

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

BILLY EUGENE HUNT,

Petitioner, : Case No. 3:08-cv-125  
-vs- : District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

WARDEN, London Correctional  
Institution,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 5), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on May 2, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition be dismissed for failure to exhaust available state court remedies without prejudice to its refiling once those remedies have been exhausted.

May 14, 2008.

**THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge